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The Norwegian shrimp industry

by

Erik Hempel

Summary

Although there are some 50 species of shrimp and prawn in Norwegian waters, only one, Pandalus borealis, is the target of commercial fisheries. It is caught by small, inshore trawlers along the coast in the north, and in the south, and by freezer-trawlers in the Barents Sea, around Spitsbergen, and near Greenland. There are some 12 land-based processing plants and exporters, exporting a variety of shrimp products.

Although production has increased in recent years (in 2000, some 83,000 tonnes of shrimp were landed in Norway), it is now expected that catches will decline, as the stocks are showing signs of weakening.

Over the past five years, Norwegian shrimp exports have increased steadily, from 18,000 tonnes in 1996 to 43,000 tonnes value at NOK 1.5 billion (USD 170 million) in 2000. In 2001, one expects further growth in exports, but the outlook beyond this year is uncertain. The major export markets for Norwegian shrimp are the UK, Sweden, Iceland, and Denmark. In recent years, there has been a marked increase in exports to China.

On the Norwegian market, shrimp is the second most popular seafood item, after cod. Shrimp consumption in Norway has increased at a steady, but slow rate over the past five years. Most of the shrimp is sold through supermarkets (85%), but there is a slight trend towards specialty shops (fishmongers) gaining a larger market share.

In recent years, Norwegian imports have increased. In 2000, Norway imported NOK 600 million (USD 67 million) worth of shrimp, mainly from Iceland and Greenland for the processing industry. However, imports of tropical shrimp are also growing.

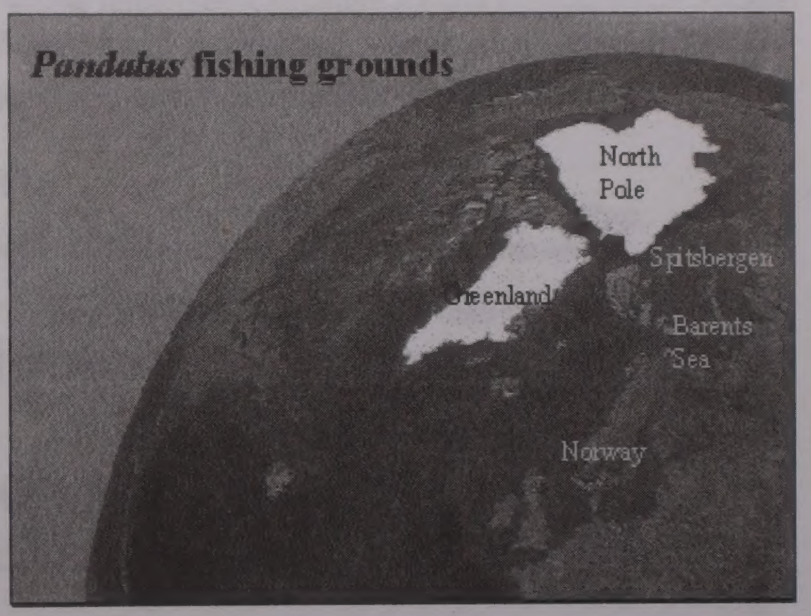
Introduction

Along the coast of Norway, there are some 50 species of shrimp and prawn, but only one species is caught commercially, the red deepwater or Northern shrimp, Pandalus borealis.

The Pandalus starts life as a male, and turns female after about 2 ½ - 4 years. Mating takes place during the autumn (September – November), and the female carries the eggs under her tail through the winter.

The Pandalus likes cold waters, and some years, it disappears completely from the southern regions, such as in the North Sea, when water temperatures are too high.

Close to shore and in the fjords, small trawlers are active, while in the Barents Sea, around Spitsbergen and near Greenland, large trawlers that process the shrimp on board are operating. Generally, the shrimp are cooked on board the trawler. Some processing is also being done on shore, with a number of plants along the coast.



A large part of the Norwegian shrimp fleet operates in Arctic conditions, far to the north. This requires strong ships that have to navigate among the drift ice, and in winter, the weather can be extremely rough.

Many freezer trawlers are now being refitted and new vessels are being built to operate even in waters that are covered with drift ice. This should increase Norway's ability to produce more shell-on products.

Product forms

In the film "Forrest Gump", Forrest's Vietnam buddy Bubba, who was a shrimp fisherman, listed the many ways you can prepare and serve shrimp. The list was seemingly endless.

In Norway, shrimp is enjoyed in a number of ways. A very popular way is to buy the shrimp, cooked and shell-on, directly from the trawlers and peel them yourself to eat as a sort of a snack.

Another popular way is to put them on an open-face

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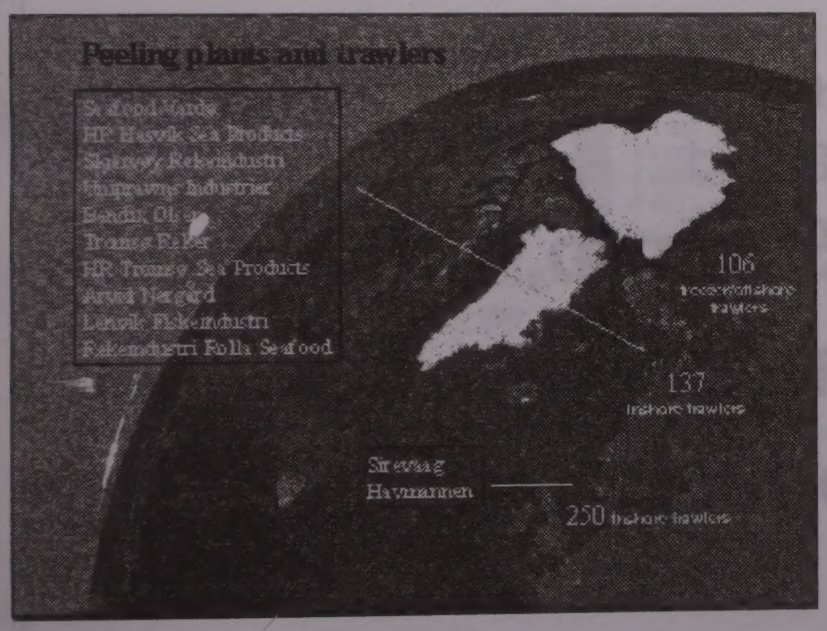
sandwich or as filling in a baguette.

Then of course, shrimp cocktails are popular. For this purpose, the shrimp is cooked and peeled and packed in brine.

Recently, warmwater shrimp has become popular in Norway as an ingredient in various exotic dishes, such as shrimp curry.

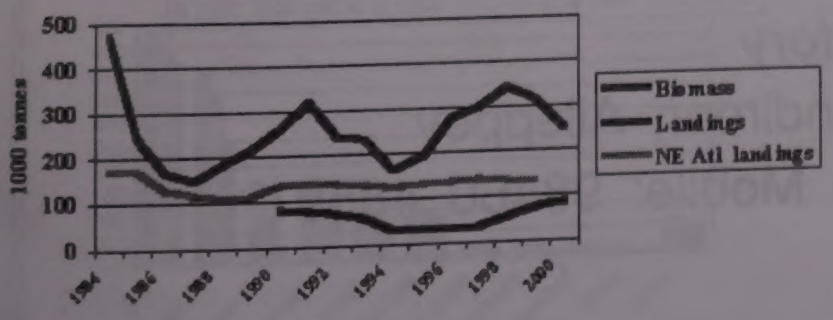
Prawns landed in Norway are mainly harvested in coastal waters and in the Barents Sea which assures a strong pink colour to the products produced in Norway. The offshore fleet, which accounts for the largest part of the volumes landed, delivers their catch mainly to 10 peeling plants in Northern Norway. In addition there is a large number of smaller inshore trawlers delivering their catch fresh both as cooked shell-on, which is the favourite with Norwegian consumers, and as fresh industrial shrimp to plants that peel and fresh them.



Resources

The shrimp stocks in the Arctic vary in size from year to year, as it is the target of a number of predators, in addition to fishermen. Norwegian and Russian scientists are monitoring the shrimp stocks continuously, and have done so for many years.

Development of biomass and landings in the Northern region



This figure shows the fluctuations in the estimated biomass in the Barents Sea and the region around Spitsbergen. As we can see, there was a drastic reduction in the biomass in the mid-1980s, mainly due to increases of cod, which is the main predator. It is estimated that cod eats approx 250,000 tonnes of shrimp in this region annually (1999 figure). As the cod stocks are presently being reduced, the shrimp should be able to recover somewhat. However, scientists expect that this will take some years.

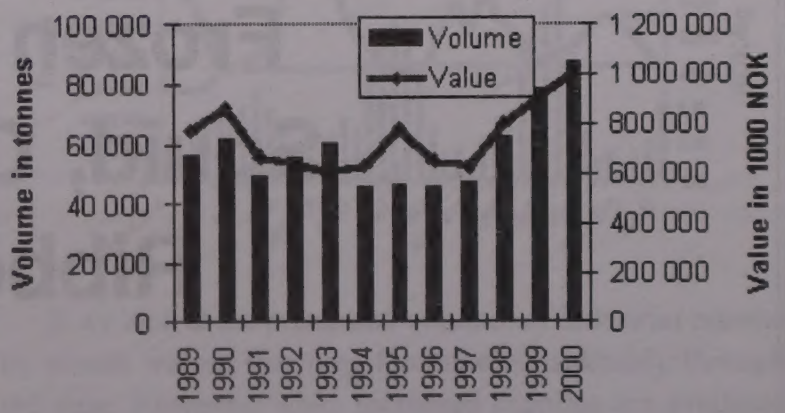
If we look at the landings of shrimp in this same region, we see that it fluctuates to some degree in step with the total biomass, but often with a one-year delay. This is even more pronounced if we look at the total shrimp catch for the Northeast Atlantic (green line).

Landings

What we expect for the coming year, is that the biomass will be further reduced before it starts growing again. And of course much will depend on how quickly the cod resource recovers. Consequently, we must expect reduced catches in the next couple of years.

Norwegian landings of shrimp

Volume in tonnes, value in 1000 NOK



2000 was record year for the Norwegian prawn fishermen. Landings of prawns in Norway increased with 9.000 tonnes or 11,5% compared with 1999. By the end of May this year, landings were 10% ahead og landings during the same period last year.

The Norwegian Prawn Industry both on land and at sea is now upgraded with many new and modern production units that will both add to efficiency and quality.

Here is one of the new prawn trawlers that recently started fishing. Capacity is increased as these new and refurbished boats can now operate with new twin and triple trawl technology replacing single trawls. They are also more efficient as they have stronger hulls enabling them to operate in waters with drift ice during winter months.

But the fleet will have to improve efficiency, as it is facing a number of negative developments:

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· Fuels costs are rising, partly because Norwegian authorities have increased the duty on fuel

· We expect that the prawn stock will decline, and that landings will be reduced

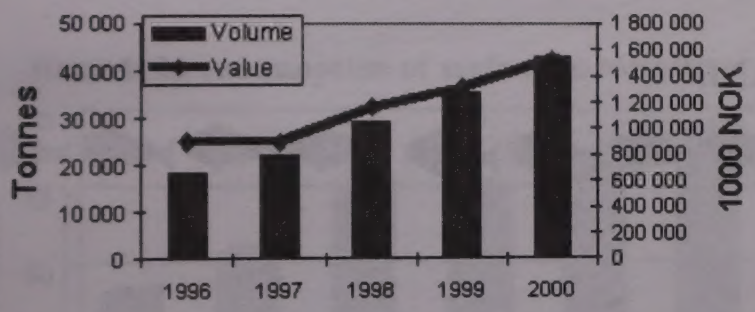
· Bycatch regulations have become stricter in recent years.

Exports

In 2000 Norwegian exports of shrimp increased by 16% to NOK 1.5 billion. The main reason for this increase was that exports of cooked and peeled shrimp to the main markets, UK and Denmark, increased substantially. Exports of raw frozen shrimp to Iceland also increased by 65%.

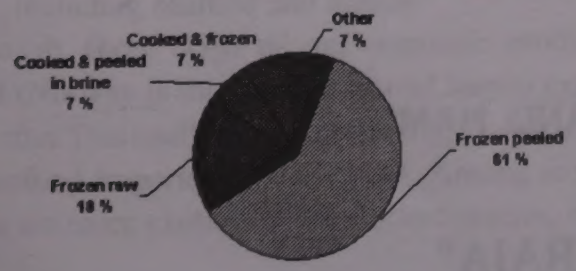
During the first half of 2001, exports increased by 5.4%. In 2000, shrimp accounted for almost 5% of the total seafood export value. This share has grown rapidly during the past six years, and almost trebled from 1996 to 2000.

Norwegian shrimp exports



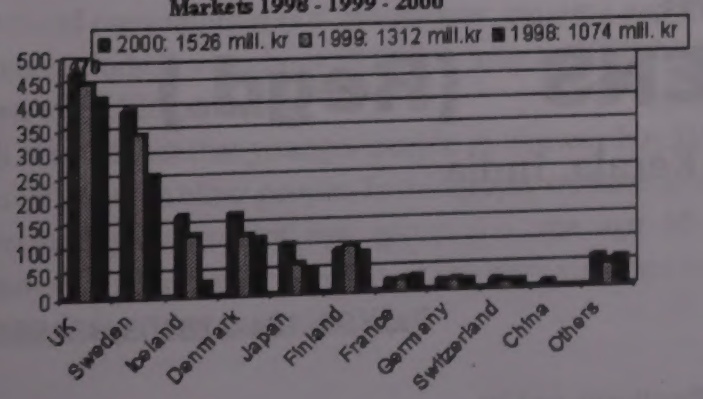
The bulk of Norway's shrimp exports were exported as frozen, peeled shrimp (61% in terms ov value). Other important product forms are shell-on frozen (18%), cooked and peeled in brine (7%), and cooked and frozen (7%).

Norwegian shrimp exports 2000 by product form



Norwegian shrimp exports 2000

Markets 1998 - 1999 - 2000

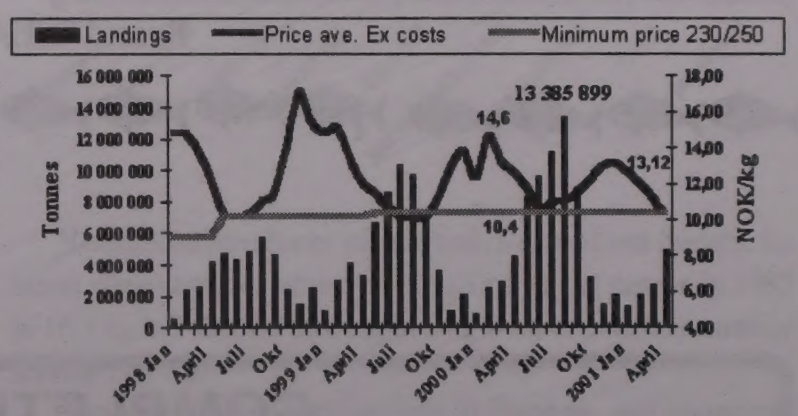


From the chart above we see that UK is the number one market for the Norwegian prawn industry. The second largest market is our neighbour Sweden.

Also significant during two last years has been the huge increase in Norwegian exports to Iceland, which now has become our 3rd most important market for prawns. This export of industrial prawns was an important factor in creating competition and stability in both the raw material market and the market for finished products. Without this channel for raw material we might have experienced another "1996", with excess stocks of prawns in cold store and a collapse in the market. With continued low prawn quotas in Iceland for this year we expect this situation to remain.

Other important markets for Norwegian shrimp include Japan, Finland, France and Germany. It is also interesting to note that Norwegian exports to China have increased significantly during the past year.

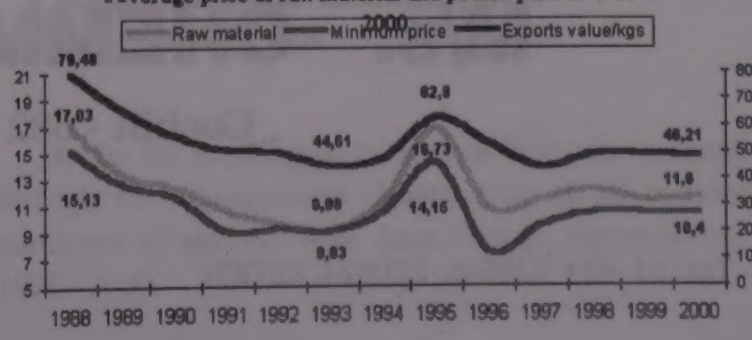
Industrial prawns: prices and volumes



If we look at the prices and volumes of industrial prawns by month we see that they fluctuate considerably through the year. However, when increased supplies are available over a longer period of the year, there is more price stability. Stable prices will encourage the fishermen to continue to catch these higher volumes for processing in Norway.

Last August (2000) was one of the biggest months ever for prawn landings in Norway. However, landings have now dropped considerably to more normal levels and we see that prices on raw material follow a traditional pattern with a sharp increase during autumn months.

Average price of raw material and peeled prawns 1988 - 2000



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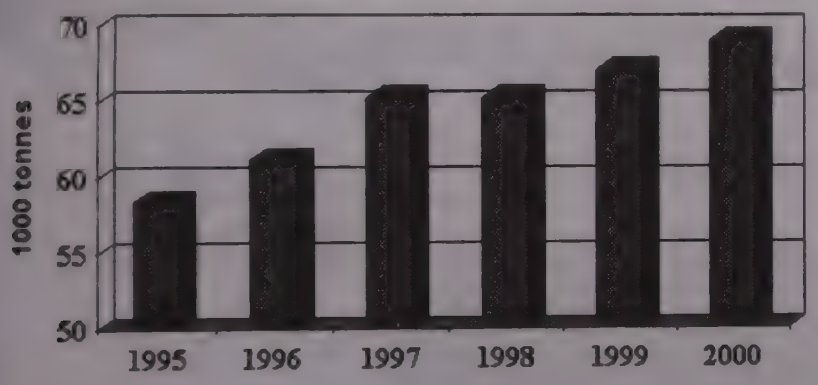
The Norwegian seafood market

In general, Norway represents only a small market due to our demographics. The country has a population of only about 4.5 million, most of which are ethnic Norwegians. But there is a growing population of Asians, central Europeans, south Americans and Africans.

Traditionally, Norway has a high consumption of seafood. According to the FAO, it is about 45 kg per person per year (whole weight).

Household consumption of seafood in Norway



It is a high-priced market. Everything is expensive in Norway, including seafood and shrimp.

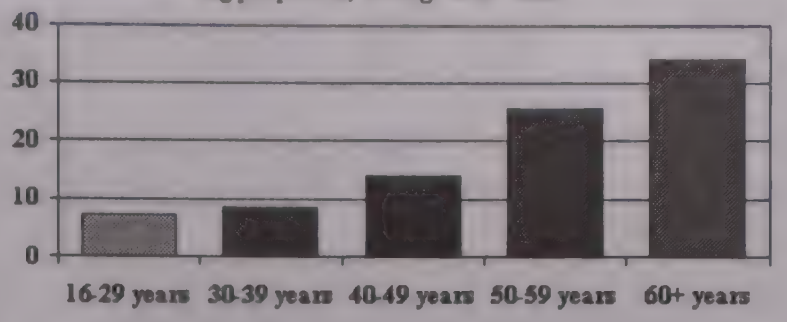
Although about 95% of our domestic production is exported (Norway is the world's second largest exporter of seafood after Thailand), we are also seeing a marked increase in our seafood imports in recent years. Among those items imported are more exotic and warmwater species, including shrimp.

The total consumption of seafood in Norway has been increasing steadily over the past decade. In 1995, our household consumption (i.e. restaurants, catering and institutions excluded) was about 58.000 tonnes. In 2000 this had grown to 69,000 tonnes.

It is a sad fact that younger people in Norway buy much less seafood than older people. In this graph, we have looked at seafood purchase by age group, i.e. the age of the customer. A person over 60 years of age buys six times more seafood than a person under 30.

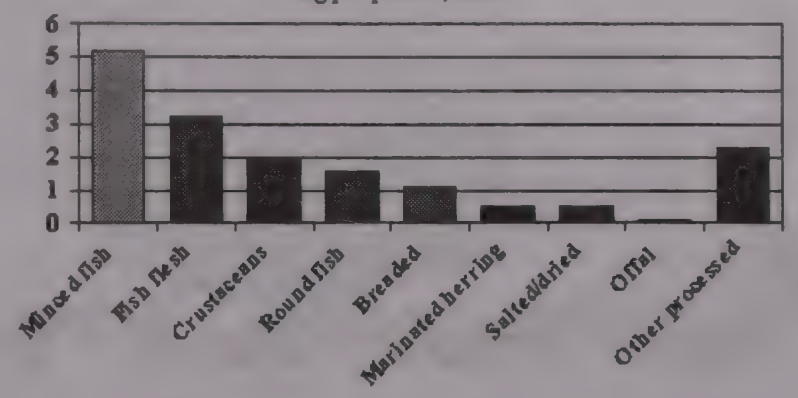
Seafood consumption by age grou

Kg per person, average 1998 - 2000



Seafood sales by product groups

Kg per person, 2000

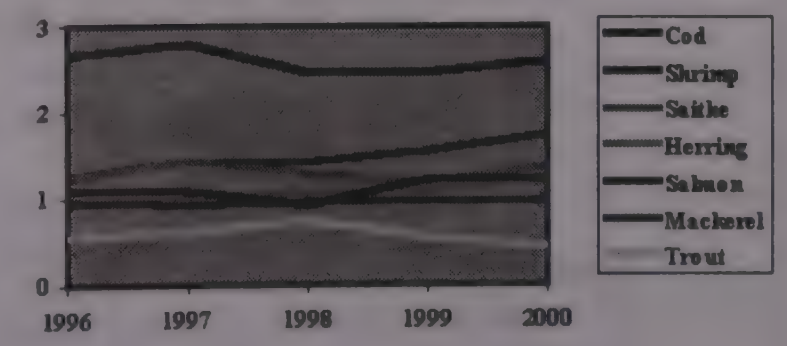


Household purchases of seafood, i.e. seafood bought for home consumption, increased from 13.5 kg per person in 1995 to 16.5 kg in 2000. Of this, about 2 kg were crustacians, mainly shrimp (1.7 kg).

Shrimp is a very popular item in Norway, and consumption per capita is second only to cod. In 2000, the per capita consumption increased to 1.7 kg. Shrimp consumption has been increasing steadily for many years.

Norwegian domestic seafood sales by major speci

Kg per person 1996 - 2000



By far the largest part of seafood sales are channelled through the supermarkets. About 85% of all household purchases of seafood were done through supermarkets in 1998 – 2000.

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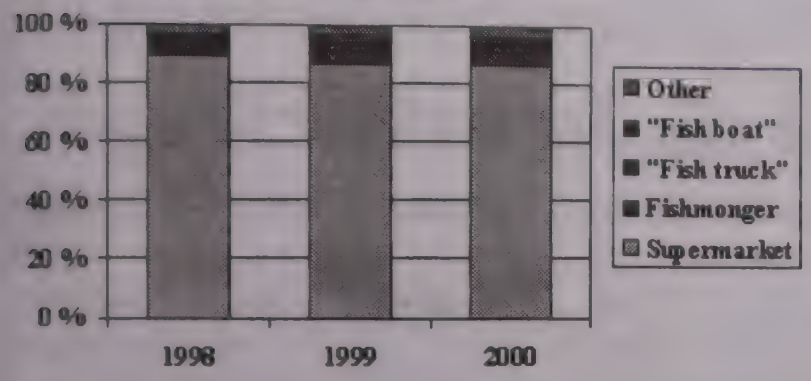
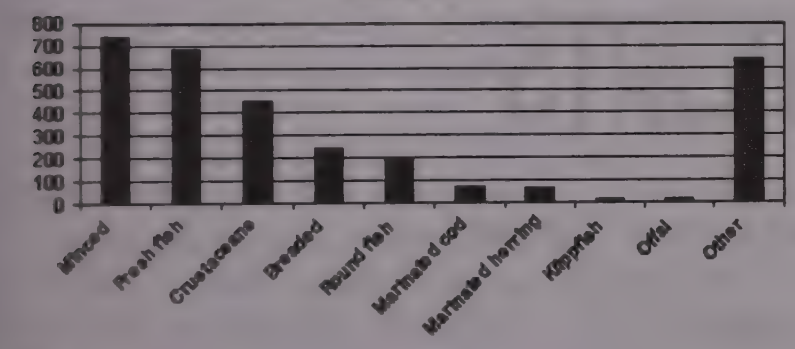
Point of sale for seafood
Percentage, product weight, 1998 - 2000



However, there is a slight trend in favour of specialty shops like fishmongers. We believe that this trend is due to the fact that consumers are becoming increasingly concerned with quality and especially variety in the shops.

If we look at supermarket sales in terms of product groups, we see that crustaceans are the third largest item. In 2000, NOK 450 million (USD 50 million) worth of crustaceans were sold through supermarkets in Norway. Most of this was shrimp.

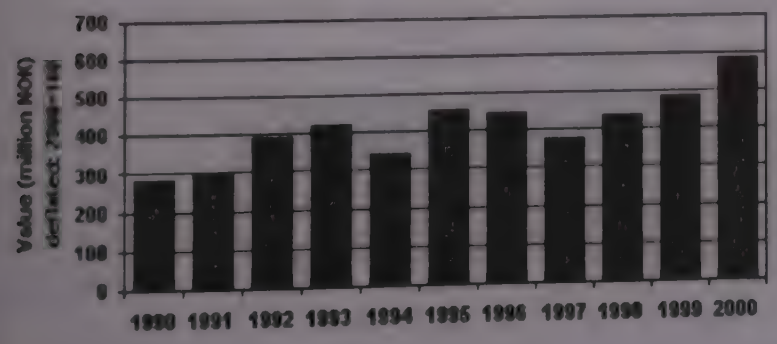
Supermarket sales by product group
Million NOK



Shrimp imports

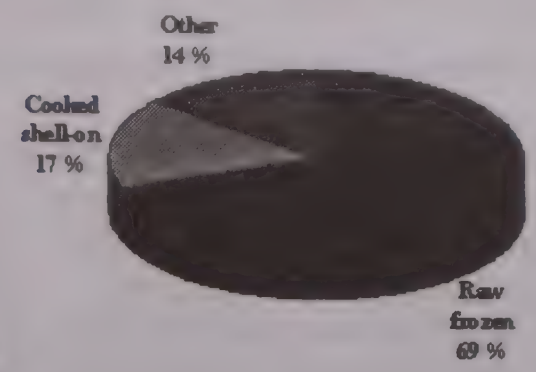
Although Norway is a major exporter of shrimp, some quantities are also imported to satisfy local demand. The main species imported is the coldwater shrimp (Pandalus borealis), which is imported for the processing industry, but increasingly, tropical species are also being imported. This is because of Norway's growing population of Asian origin, but also because the Norwegians themselves have discovered tropical shrimp as a high-quality (and high-priced) product.

Norwegian shrimp imports



During the past four years, imports have increased markedly, and reached almost NOK 600 million in 2000. In comparison, Norwegian shrimp exports stood at 1,525 million that year.

By volume (28,021 tonnes)



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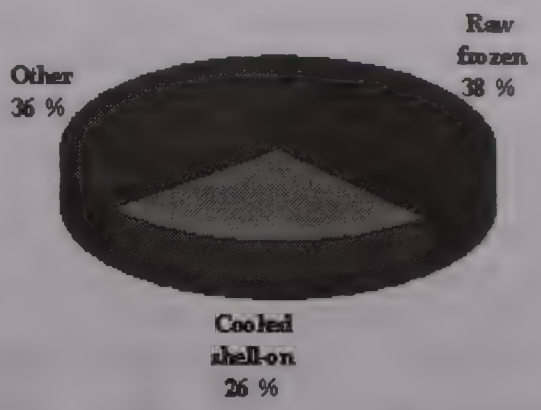

Almost 70% of the shrimp imported to Norway in 2000 were shell-on, raw frozen. A substantial part of this went to the processing industry, and part of this again was re-exported.

By value, the mystic group "Other" represented 36% of imports. This group includes among other things, warmwater shrimp in many product forms. These are all consumed in Norway.

The shrimp industry is an important part of the Norwegian seafood industry.

Catches have been increasing in recent years, as have exports. However, we now expect landings to decline again in the next few years.

Both landings and exports are seasonal, as they depend of wild catches. Prices also tend to fluctuate seasonally.

The main export markets are in Europe, especially in the UK, and the main export product is cooked and peeled shrimp, either frozen or in brine.

Domestic consumption of shrimp in Norway is almost 2 kg per person, and growing. An increasing part of this is imported tropical shrimp.

Special thanks to The Norwegian Prawn Council and Norwegian Seafood Export Council who kindly provided updated statistics and other background material.

(This paper was presented during the 'Shrimp 2001' at Chennai)

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Japanese Standardization and labelling of Agricultural & Forestry Products

Chapter 1 General Provisions

(Purposes of Law)

Article 1 The purposes of this Law are to achieve the improvement of quality, the rationalization of production, the simplification and fair trading, and the rationalization of use or consumption of agricultural and forest products by establishing proper and reasonable standard for the agricultural and forest products and disseminating it and to help general consumers select products by obligating the proper labeling which concerns the quality of the agricultural and forest products, thereby contributing to the promotion of public welfare.

(Definition, etc.)

Article 2 In this Law, the term "agricultural and forest products" means the products mentioned in the following items except liquors as well as drugs, quasi-drugs and cosmetics provided in the Pharmaceutical Affairs Law (Law No. 145 of 1960) :

(1) Beverages and foods, and oils and fats; and

(2) Agricultural, forest, livestock and marine products, and the products manufactured or processed using such products as materials or ingredients (except those mentioned in the preceding item) that shall be provided by a Government Ordinance.

2. In this Law, the term standard means the criteria for the quality of the agricultural and forest products (including shape, size and quantity thereof or the conditions for packing, packaging or the like; being the same hereinafter), and the standard for the labeling of quality (including the indication of denomination and the place of origin but excluding the indication of nutritive components; being the same hereinafter).

3. In this Law, the term "Japanese Agricultural Standard" means the standard established under the provisions of Article 7 that shall contain the standard for the quality of the following agricultural and forest products:

(1) Standard for quality such as grade, composition and performance (excluding the one mentioned in the next item); and

(2) Standard for the method of production.

4. The Japanese Agricultural Standard concerning the standard mentioned in Item (2) of the preceding Paragraph may be established to the agricultural and forest products which can be judged to have unique characteristic in their production method and, as a result, are expected to enhance their value.

5. In this Law, the term "Registered Grading Organization", "Registered Certification Organization", "Registered Foreign Grading Organization" or "Registered Foreign Certification Organization" means a corporation that have been registered as such by the Minister of Agriculture, Forestry and Fisheries under the provisions of Article 16, Paragraph 2; Article 16, Paragraph 2 quoted in Article 17-6, Paragraph 2; Article 16, Paragraph 2 quoted in Article 19-6-2, Paragraph 2; or Article 16, Paragraph 2 quoted in Article 19-6-4, Paragraph 2, respectively.

Chapter 2 Research Committee for the Standard for Agricultural and Forest Products

Article 3 The Research Committee for the Standard for Agricultural and Forest Products (hereinafter called the "Research Committee") is organized in the Ministry of Agriculture, Forestry and Fisheries.

2. The Research Committee shall, in response to the consultation of the Minister of Agriculture, Forestry and Fisheries, research and deliberate the establishment and dissemination of the Japanese Agricultural Standard, the promotion of proper labeling concerning the quality of the agricultural and forest products, and any other important matter related to the enforcement of this Law.

3. The Research Committee may state its opinion to the Minister of Agriculture, Forestry and Fisheries concerning the matters provided in the preceding Paragraph.

Article 4 The Research Committee shall consist of the members not more than twenty (20).

2. The Research Committee may, wherever necessary, have a specialized member for the purpose of having any specific matters researched.

3. The Minister of Agriculture, Forestry and Fisheries shall respectively appoint the members of the Research Committee from scholars and men of experience and the specialized members from the staff of public agencies concerned or the people who have expert knowledge on the quality, production, transaction, use or consump-

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4. The members of the Research Committee and the specialized members shall serve on a part time basis.

Article 5 The Research Committee shall have a Chairman elected by ballot of the members.

2. The Chairman shall preside over all the affairs of the Research Committee.

Article 6 Other than those provided in the preceding three Articles, any matters necessary for the organization and management of the Research Committee shall be provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

Chapter 3 Establishment of the Japanese Agricultural Standard

(Establishment of the Japanese Agricultural Standard)

Article 7 If the Minister of Agriculture, Forestry and Fisheries judges it necessary for attaining the purposes provided in Article 1, he shall designate the category of any agricultural and forest product and establish the Standard relating it.

2. The Standard mentioned in the preceding Paragraph shall be established with respect to the current situation and future forecast of quality, production, transaction, use or consumption of the agricultural and forest product covered by the Standard as well as international trend of standard, and to reflect the intent of the persons having substantial interests, and further, in the implementation, so as not to unfairly put discrimination against any person present in similar conditions.

3. Based on the provision of paragraph 1, if the Minister of Agriculture, Forestry and Fisheries establishes a standard of any drink or food provided in Article 19-8, paragraph 1 or any agricultural and forest product provided in paragraph 3 of the said Article, he shall hot provide its quality labeling standard, However, in the case of the provision of quality labeling standard for the items which are not stipulated by paragraphs 1 to 3 of the said Article, it is not necessary to be restricted by the provision of this paragraph.

4. If the Minister of Agriculture, Forestry and Fisheries establishes a Standard under the provision of Paragraph 1, he may leave unprovided the quality labeling standard of any agricultural and forest product which quality is expected to be easily identified by the user when he buys it.

5. If the Minister of Agriculture, Forestry and Fisheries intends to establish a Standard under the provision of Paragraph 1, he must obtain in advance the resolution of the Research Committee.

Article 8 Any Prefecture or interested person may, pursuant to the procedures provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, propose to the Minister of Agriculture, Forestry and Fisheries that a Japanese Agricultural Standard should be established by designating the category of the agricultural and forest product and preparing its original draft.

2. If, in the case that the Minister of Agriculture, Forestry and Fisheries has received a proposal under the provision of the preceding Paragraph, he judges that Japanese Agricultural Standard should be established concerning the agricultural and forest product covered by such proposal, he shall present the original draft mentioned in the said Paragraph to the Research Committee for deliberation. If he judges that it is necessary to do so, he must notify it the proposer with the reason attached.

3. When the Minister of Agriculture, Forestry and Fisheries intends to notify as provided in the preceding Paragraph, he must obtain the opinion of the Research Committee in advance.

(Conformation, Amendment and Abolition of the Japanese Agricultural Standard)

Article 9 The provisions of the preceding two Paragraphs shall quote the confirmation, amendment or abolition of the Japanese Agricultural Standard.

Article 9 –2 The Minister of Agriculture, Forestry and Fisheries must bring it to the deliberation of the Research Committee whether or not the Japanese Agricultural Standard established or confirmed or amended under the provisions of Article 7 (including the cases where is quoted in the preceding Article) is still proper, not later than the day that five (5) years passed from the date of the said establishment or confirmation or amendment. In addition, the minister must promptly confirm it or, if he judges it necessary, must amend or abolish it.

(Proclamation)

Article 10 The establishment, amendment or abolition of the Japanese Agricultural Standard must be carried out by specifying the enforcement date and proclaiming it at least thirty (30) days prior.

(1) For the standard mentioned in Article 2, Paragraph 3, Item (1): The inspection of any agricultural and forest product in accordance with the Minister Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(2) For the standard mentioned in Article 2, Paragraph 3, Item (2): The inspection of the production process of any agricultural and forest product in accordance with the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

3. Any person who seeks to obtain the grading which will be carried out by the organization of the Ministry of Agriculture, Forestry and Fisheries in

accordance with the latter sentence of Paragraph 1 must pay a fee which amount was fixed by a Government Ordinance considering its actual costs and expenses.

4. Any person who seeks to obtain the grading which will be carried out by the Registered Grading Organization in accordance with the later sentence of Paragraph 1 must pay a fee which amount was fixed by the Registered Grading Organization with the authorization of the Minister of Agriculture, Forestry and Fisheries to the Registered Grading Organization based on a Government Ordinance.

5. Any necessary matters concerning the format and method of the labeling of grading shall be provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

(Grading by Manufacturer, etc.)

Article 15 Any manufacturer or processor (including preparation and selection; being the same hereinafter) of any agricultural and forest product (hereinafter called "manufacturer") may carry out the grading of his products in accordance with the Japanese Agricultural Standard, as provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by obtaining in advance the certification of the Minister of Agriculture, Forestry and Fisheries or a Registered Certification Organization as to his respective factory or place of business and respective kind of agricultural and forest product. Then, the manufacturer may attach the label of grading (except the label under the provision of Article 16, Paragraph 1 of the Agricultural Products Inspection Law (Law No. 144 of 1951); being the same hereinafter) to the agricultural and forest product or its packaging, container or invoice.

2. Any person who manages or controls production process of an agricultural and forest product such as producers, and who is provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries (hereinafter called "Production Process Managers") may carry out the grading of the products which he manages or controls production process in accordance with the JAS, with the certification by the Minister of Agriculture, Forestry and Fisheries or a Registered Certification Organization in accordance with a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries by respective field or place of business and respective kind of agricultural and forest product. Then, the Production Process Manager may attach the label of grading (limited to the one concerning the standard mentioned in Article 2, Paragraph 3, Item (2)) to the agricultural and forest product its packaging, container or invoice.

3. The manufacturer or production process manager of any agricultural and forest product who has obtained the certification mentioned in the preceding two (2) Paragraphs may, if it is especially necessary for carrying out the said labeling efficiently, attach the label of grading to the agricultural and forest product covered by the certification concerned or its packaging, container or invoice, prior to the grading which will be done under the provisions of the said Paragraphs.

4. The agricultural and forest product (or its packing, container or invoice) attached the label of grading under the provision of the preceding Paragraph must not be transferred, consigned for transfer or displayed for transfer before the grading is carried out under the provisions of Paragraph 1 or 2.

5. The manufacturer or production process manager of any agricultural and forest product (or its packaging, container or invoice) attached the label under the provision of Paragraph 3 must, when it is proved that such label does not conform to the result of the grading under the provisions of Paragraph 1 or 2, remove or erase the label without delay.

6. The technical standard for the certification mentioned in Paragraph 1 and 2 will be provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

7. Any person who seeks to obtain the certification which is carried out by the Minister of Agriculture, Forestry and Fisheries under the provisions of Paragraph 1 or 2 must pay a fee which amount is fixed by a Government Ordinance taking account of actual costs and expenses.

8. Any person who seeks to obtain the certification which is carried out by the Registered Certification Organization under the provisions of Paragraph 1 or 2 must pay to the Registered Certification Organization a fee which amount is fixed by the Registered Certification Organization with the authorization of the Minister of Agriculture, Forestry and Fisheries as provided by a Government Ordinance.

9. The provisions of Paragraph 2 of the preceding Article shall quote the grading mentioned in Paragraph 1 or 2.

(Succession)

Article 15-2 When the manufacturer of any agricultural and forest product who has obtained the certification mentioned in Paragraph 1 of the preceding Article (hereinafter called the "Certified Manufacturer") has transferred his whole manufacturing or processing business of the agricultural and forest product covered by the certification, or when the production process manager of any agricultural and forest product who has obtained the certification mentioned in Paragraph 2 of the preceding Article (hereinafter called the "Certified Poduction Process

Manager") has transferred his whole grading business of the agricultural and forest product covered by the certification concerned, the person who has taken the transfer of the whole business succeeds to the status of its Certified Manufacturer or Certified Production Process Manager.

3. The one who or which has succeeded to the status of the Certified Manufactuer or Certified Production Process Manager under the provisions of the preceding two (2) Paragraphs must notify the succession to the Minister of Agriculture, Forestry and Fisheries without delay with a document substantiating the fact attached.

(Notification of the Discontinuance of Business)

Article 15-3 When a Certified Manufacturer has discontinued his manufacturing or processing business of any agricultural and forest product covered by the certification, or when a Certified Production Process Manager has discontinued his grading business of any agricultural and forest product covered by the certification, the Certified Manufacturer or Certified Production Process Manager must notify the discontinuance to the Minister of Agriculture, Forestry and Fisheries without delay.

(Invalidation of Certification)

Article 15-4 When a Certified Manufacturer has discontinued his manufacturing or processing business of any agricultural and forest product covered by the certification, or when a Certified Production Process Manager has discontinued his grading business of any agricultural and forest product covered by the certification, the certification for the Certified Manufacturer under Article 15, Paragraph 1 or the certification for the Certified Production Process Manager under Paragraph 2 of that Article will become invalid.

2. The confirmation of the Japanese Agricultural Standard must be carried out by proclaiming it.

(Prohibition of Reference to the Japanese Agricultural Standard)

Article 11 No one shall use the Japanese Agricutural Standard or any other name confusing it for any standard for agricultural and forest products other than the Japanese Agricultural Standard.

(Restriction on the Use of Standard)

Article 12 In grading the agricultural and forest products for which the Japanese Agricultural Standard has been established, any Prefecture of Registered Grading Organization must carry out the same in accordance with the Japanese Agricultural Standard. However, in the case of the grading of the quality other than the quality which is mentioned in Article 2, Paragraph 3, Item (2) for any agricultural and forest product that is covered by Japanese Agricultural Standard on the standard mentioned by Article 2, Paragraph 3, Item (2), it is not necessary to be restricted by the provision of this paragraph.

(Public Hearing)

Article 13 If the Minister of Agriculture, Forestry and Fisheries judges it necessary, he may hold a public hearing to listen the opinion of interested people as to whether any Japanese Agricultural Standard should be established or on a draft of such Japanese Agricultural Standard.

2. Any person having substantial interest in any Japanese Agricultural Standard may request the Minister of Agriculture, Forestry and Fisheries to hold a public hearing which concerns that the Japanese Agricultural Standard would, or not, reflect the intention of all interested people or it would, or not, unfairly put discrimination against any person present in similar conditions in its application.

3. If the request for the preceding Paragraph has been made, the Minister of Agriculture, Forestry and Fisheries must hold the public hearing.

4. The Minister of Agriculture, Forestry and Fisheries must reveiw the facts revealed in the public hearing and, if he judges it necessary to amend the Japanese Agricultural Standard, he must bring the matter of amendment to the deliberation of the Research Committee.

5. Other than those provided in the preceding Paragraphs, any matters which are necessary for the public hearing shall be provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

Chapter 4 Grading in acordance with the Japanese Agricultural Standard

Section 1 Grading

(Grading by Prefecture, etc.)

Article 14 If any Prefecture has carried out the grading of the Japanese Agricultural Standard on any agricultural and forest product in accordance with the Prefectural Ordinance, it may attach a special label showing that the grading has been carried out in accordance with the Japanese Agricultural Standard (hereinafter called the label of grading) to the agricultural and forest product or its packaging, container or invoice. The foregoing shall also apply if any organization of the Ministry of Agriculture, Forestry and Fisheries or Registered Grading Organization has carried out such grading of any agricultural and forest product in accordance with the Japanese Agricultural Standard.

2. The grading mentioned in the preceding Paragraph shall be carried out based on the inspection which mentioned in the following Items by the standard respectively.

(Cancellation of Certification etc.)

Article 15-5 When any Certified Manufacturer or Certified Production Process Manager falls under any one of the following Items, the Minister of Agriculture, Forestry and Fisheries may cancel the certification:

(1) If he has violated the provisions of Article 15, Paragraph 4 or 5, Article 18, Paragraph 1 or 3 or Article 19;

(2) If he becomes out of the technical standard mentioned in Article 15, Paragraph 6;

(3) If he has violated the order under the provisions of Article 19-2;

(4) If he has not made the report under the provision of Article 20, Paragraph 2 or made a false report, or has refused, impeded or challenged the inspection under the provisions of that Paragraph;

or

(5) If he has obtained the certification under Article 15, Paragraph 1 or 2 by improper means.

2. The examination on the date of hearing for the penalty under the provisions of the preceding Paragraph must be carried out by an open hearing.

3. When any interested person in the penalty requests to participate in the procedures for the said hearing under the provisions of Article 17, Paragraph 1 of the Administrative Procedures Law (Law No. 88 of 1993), the person who presides over the hearing must permit the request.

(Labelling of Grading by Subdivider)

Article 15-6 Any person who divides any agricultural and forest product as his business (including any person who subdivides and sells by himself; hereinafter called the "subdivider") may attach the same label of grading as has been attached to the agricultural and forest product or the packaging, container or invoice therefore before it was subdivided to the subdivided agricultural and forest product or the packaging, container or invoice therefore, as provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by obtaining in advance the certification of the Minister of Agriculture, Forestry and Fisheries or the Registered Certification Organization as to his respective place of business and respective kind of agricultural and forest product, concerning the agricultural and forest product covered by the certification concerned to which the label of grading (limited to that for the standard mentioned in Article 2, Paragraph 3, Item (2); being the same in this Paragraph and Article 19-3-2) has been attached (including such agricultural and forest product if such label has been attached to the packaging, container or invoice therefore, being the same in the said Article).

2. The provisions of Article 15, Paragraphs 6 to 8 and the provisions of Article 15-2 to the preceding Article shall quote the certification under the preceding Paragraph and the subdivider of any agricultural and forest product who has obtained the certification under the said Paragraph (hereinafter called the "Certified Subsidivider"), respectively. In this case, "Article 15, Paragraph 4 or 5, Article 18, Paragraph 1" appearing in Paragraph 1, Item (1) of the said Article shall be read "Article 18, Paragraph 1".

(Labelling of Grading by Importer)

Article 15-7 The importer of any specified agricultural and forest product (called the "Specified Agricultural and Forest Product" in this Article and Article 18, Paragraph 1, Item (4)) may attach the label of grading to the Specified Agricultural and Forest Product concerned which is imported by him or the packaging, container or invoice therefore, as provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by obtaining in advance the certification of the Minister of Agriculture, Forestry and Fisheries or the Registered Certification Organization, concerning the Specified Agricultural and Forest Product covered by the certification concerned to which the certificate or copy thereof stating the matters provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries has been attached.

2. The certificate mentioned in the preceding Paragraph is limited to the ones issued by the governmental organizations or those designated as quasi-governmental organizations by the Minister of Agriculture, Forestry and Fisheries of foreign countries (limited to those provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries as the countries having a grading system judged to be at a level equivalent to that of the grading system in accordance with the Japanese Agricultural Standard concerning the Specified Agricultural and Forest Product concerned).

3. The Minister of Agriculture, Forestry and Fisheries, if he has so designated as mentioned in the preceding Paragraph, must proclaim without delay the names and such other matters as provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries of the quasi-governmental organizations of foreign countries covered by such designation.

4. The provisions of Article 15, Paragraphs 6 to 8 and the provisions of Articles 15-2 to 15-5 shall quote the certification under Paragraph 1 and the importer of any Specified Agricultural and Forest Product who has obtained the certification under that Paragraph (hereinafter called the "Certified Importer"), respectively. In this case, "Article 15, Paragraph 4 or 5 or Article 18, Paragraph 1" appearing in Para-

graph 1, Item (1) of the said Article shall be read "Article 18, Paragraph 1".

Section 2 Registered Grading Organization

(Registration of Registered Grading Organization)

Article 16 Any corporation who seeks to obtain the registration of a Registered Grading Organization (except ones who seek to carry out the grading under Article 14, Paragraph 1 by his place of business located abroad) must make an application for the registration to the Minister of Agriculture, Forestry and Fisheries pursuant to the procedures provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by paying a fee therefore in such an amount as shall be fixed by a Government Ordinance taking account of actual costs and expenses, as to the respective kind of agricultural and forest product.

2. The Minister of Agriculture, Forestry and Fisheries, if he judges that the application for registration under the provision of the preceding Paragraph conforms to all of the following requirements, must make the registration thereof as provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries:

(1) The machines, tools and other equipment to be used for the grading of the agricultural and forest product covered by the application concerned and the qualification and number of those who are to be engaged in such grading conform to the criteria therefore provided by the Minister of Agriculture, Forestry and Fisheries;

(2) The one who has made the application is a corporation which has enough financial foundation to carry out appropriately and smoothly the grading of the agricultural and forest product covered by the application;

(3) The members or the composition of personnel provided by the Ministerial Ordinance of Agriculture, Forestry and Fisheries as to the kind of officers and corporations are not likely to impede the fair execution of the grading; and

(4) If any business other than the grading business is being done, the execution of such business is not likely to make the grading unfair.

3. Any corporation which falls under any one of the following Items may not obtain the registration of a Registered Grading Organization:

(1) If such corporation or any officer executing the affairs thereof was given a fine or much heavier punishment under the provisions of this Law and has not passed one year from the day on which he or it finished the execution thereof or made free from the execution thereof;

(2) If such corporation was rendered the cancellation of its registration under the provisions of Article 17-4, Paragraphs 1 to 3 or Article 19-6-3, Paragraphs 1 to 3 and has not passed one year from the date of such cancellation; or

(3) If such corporation has an officer executing the affair thereof who was its officer executing the affair thereof related with the cancellation within thirty (30) days prior to the date of cancellation under the provisions of Article 17-4, Paragraphs 1 to 3 or Article 19-6-3, Paragraphs 1 to 3 and has not passed one year from the date of such cancellation.

4. The registration shall be carried out by entering the following matters in the register:

(1) Registration date and registration number;

(2) Name and address of the Registered Grading Organization;

(3) Kind of the agricultural and forest product the grading of which is carried out by the Registered Grading Organization;

(4) Area where the grading is carried out by the Registered Grading Organization and the location of the place of business thereof.

5. If the Minister of Agriculture, Forestry and Fisheries has made the registration under Paragraph 2, he must proclaim the matters mentioned in the preceding Paragraph without delay.

6. If the Registered Grading Organization has changed any matter mentioned in Paragraph 4, Item (2) or (4) or discontinued its grading business of the agricultural and forest product covered by the registration, the Registered Grading Organization must so notify the Minister of Agriculture, Forestry and Fisheries without delay.

7. If the Minister of Agriculture, Forestry and Fisheries has received the notification under the preceding paragraph, he must so proclaim without delay.

(Renewal of Registration)

Article 16-2 Unless any Registered Grading Organization obtains the renewal thereof for every such period as shall be provided by a Government Ordinance within five (5) years or longer but not to exceed ten (10) years, the registration thereof becomes invalid upon the passage of such period.

2. The provisions of Paragraphs 1 to 5 of the preceding Article shall quote the renewal under the preceding Paragraph.

3. If the registration of any Registered Grading Organization has become invalid under the provision of Paragraph 1, the Minister of Agriculture, Forestry and Fisheries must so proclaim without delay.

(Registered Grading Organizations Obligation of Grading)

Article 17 If any Registered Grading Organization is requested to carry out the grading of any agricultural and forest product covered by the registration, it must carry out such grading

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without delay, except if it has any due reason to decline the same.

(Grading Business Rules)

Article 17-2 Any Registered Grading Organization must prescribe its rules for business concerning the grading in accordance with the Japanese Agricultural Standard (hereinafter called the "Grading Business Rules") and obtain the authorization thereof of the Minister of Agriculture, Forestry and Fisheries. The foregoing shall also apply if it intends to change the same.

2. The matters to be provided by the Grading Business Rules shall be provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries.

3. If the Minister of Agriculture, Forestry and Fisheries judges that any Grading Business Rules authorized under Paragraph 1 has become inappropriate in the fair execution of grading, he may order that such Grading Business Rules should be changed.

(Entry of Register)

Article 17-3 Any Registered Grading Organization must keep books as provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, enter therein the matters concerning its grading business in accordance with the Japanese Agricultural Standard and have the custody thereof.

(Cancellation of Registration of the Registered Grading Organization)

Article 17-4 If any Registered Grading Organization falls under any one of the Items of Article 16, Paragraph 3, the Minister of Agriculture, Forestry and Fisheries must cancel the registration thereof.

2. If any Registered Grading Organization falls under any one of the following Items, the Minister of Agriculture, Forestry and Fisheries may cancel the registration thereof or order the suspension of the grading carried out in accordance with the Japanese Agricultural Standard by specifying a time period not to exceed one year.

(1) If it has become not conforming to any of the requirements mentioned in the Items of Article 16, Paragraph 2;

(2) If it has carried out the grading in accordance with the Japanese Agricultural Standard not pursuant to the Grading Business Rules authorized under Article 17-2, Paragraph 1;

(3) If it has obtained the registration under Article 16, Paragraph 2 by improper means; or

(4) If it has violated the provision of this Law or any order under this Law or any disposition under such provision.

3. Other than the cases provided in the preceding two Paragraphs, if any Registered Grading Organization does not start, without any due reason, its grading business for the agricultural and forest product covered by the registration after one year has passed from the date of registration or suspends such grading business continuously for one year or longer, the Minister of Agriculture, Forestry and Fisheries may cancel such registration.

4. If the Minister of Agriculture, Forestry and Fisheries has made the disposition under the preceding three Paragraphs, he must so proclaim without delay.

5. The provisions of Article 15-5-, Paragraph 2 shall quote the hearing concerning the cancellation of registration under the provisions of Paragraphs 1 to 3.

(Prohibition of Use of the Name of the Japanese Agricultural Standard Registered Grading Organization)

Article 17-5 Anyone who is not a Registered Grading Organization must not use the name of the Japanese Agricultural Standard Registered Grading Organization or any name confusing therewith.

2. Any Registered Grading Organization must not use the name of the Japanese Agricultural Standard Registered Grading Organization or any name confusing therewith for any agricultural and forest products other than its registered agricultural and forest product.

Section 3 Registered Certification Organization

(Registration of Registered Certification Organization)

Article 17-6 Any corporation who seeks to obtain the registration of a Registered Certification Organization (except anyone who seeks to carry out the certification under Article 15, Paragraph 1 or 2, Article 15-6, Paragraph 1, Article 15-7, Paragraph 1, Article 19-3 or Article 19-3-2 (hereinafter in this Section and in Article 20, Paragraph 1 simply called "certification") by his place of business located in a foreign country) must make an application for the registration to the Minister of Agriculture, Forestry and Fisheries pursuant to the procedures provided by the Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by paying a fee therefore in such an amount as shall be fixed by a Government Ordinance taking account of actual costs and expenses, as to the respective class provided by the said Ministerial Ordinance.

2. The provisions of Article 16, Paragraphs 2 to 7 and Articles 16-2 to 17-4 shall quote the Registered Certification Organization. In this case, "the machines, tools and other equipment to be used for the grading of the agricultural and forest product" "the qualification and number of those who are to be engaged in such grading" "therefore" appearing in Article 16, Paragraph 2, Item (1) shall be read "the qualification and number of those who are to be engaged in certification work

and the matters concerning the management of certification work"; "Article 17-4, Paragraphs 1 to 3 or Article 19-6-3, Paragraphs 1 to 3" appearing in Items (2) and (3) of the said Article, Paragraph 3 shall be read "Article 17-4, Paragraphs 1 to 3 quoted in Article 17-6, Paragraph 2 or Article 19-6-3, Paragraphs 1 to 3 quoted in Article 19-6-4, Paragraph 2" and "Paragraph 4, Item (2) or (4)" appearing in the said Article, Paragraph 6 shall be read "Paragraph 4, Items (2) to (4)".

(Report to the Minister of Agriculture, Forestry and Fisheries)

Article 17-7 If any Registered certification Organization it must so report to minister of Agriculture, forestry and fisheries as provided by a ministerial Ordinance of the ministry of Agriculture, forestry and fisheries.

(Confidentiality Obligation, etc.)

Article 17-8 Any officer or a Registered Certification Organization or anyone who was such a person must not divulge any secret which has come to his knowledge concerning the certification work or use the same for his interest.

2. Any officer or personnel of a Registered Certification Organization who are engaged in the certification work shall be deemed to be the personnel engaged in puplic affairs under laws and regulations as far as the application of the penal Code (Law No.45 of 1907) or any other penel regulation is concerned.

(Prohibition of use of the Name of the Japanese Agricultural Standard Registered certification Organization)

Article 17-9 Anyone who is not a Registered Certification Organization must not use the name of the Japanese Agricultural Standard Registered Certification Organization or any name confusing therewith.

2. Any Registered Certified Organization must not use the name of the Japanese Agricultural Standard Registered Certification Organization or any name confusing therewith for any agricultural and forest products other than its registered agricultural and forest product.

Section 4 Protection of the Labeling of Grading

(Prohibition of the Labeling of Grading)

Article 18 No person other than the organizations of the Ministry of Agriculture, Forestry and Fisheries, Prefectures, Registered Grading Organizations and Registered Foreign Grading Organizations must attach the label of grading to agricultural and forest product or the packaging, container or invoice therefore, except in the following cases:

(1) If any Certified Manufacturer attaches the label of grading to the agricultural and forest product manufactured or processed by him or the packaging, container or invoice therefore under the provisions of Article 15, Paragraph 1 or 3;

(2) If any Certified Production Process Manager attaches the label of grading to the agricultural and forest product the production process of which is managed or controlled by him, or the packaging, container or invoice therefore under the provisions of Article 15, Paragraph 2 or 3;

(3) If any Certified Subdivider attaches the label of grading to the agricultural and forest product after subdivided or the packaging, container or invoice therefore under the provisions of Article 15-6, Paragraph 1;

(4) If any Certified Importer attaches the label of grading to the agricultural and forest product imported by him or the packaging, container or invoice therefore under the provisions of Article 15-7, Paragraph 1;

(5) If any Foreign Manufacturer (meaning any person who manufactures or processes in a foreign country as his business any agricultural and forest product exported to Japan; being the same hereinafter) attaches the label of grading to the agricultural and forest product manufactured or processed by him or the packaging, container or invoice therefore under the provisions of Article 19-3, Paragraph 1 or Article 15, Paragraph 3 quoted in Article 19-5, Paragraph 2;

(6) If any Foreign Production Process Manager (meaning any person who is provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries as controlling or grasping in a foreign country any producers or anyone elses production process of any agricultural and forest product exported to Japan; being the same hereinafter) attaches the label of grading to the agricultural and forest product the production process of which is managed or controlled by him or the packaging, container or invoice therefore under the provisions of Article 19-3, Paragraph 2 or Article 15, Paragraph 3 quoted in Article 19-5, Paragraph 2; or

(7) If any Foreign Subdivider (meaning any person who subdivides in a foreign country as his business any agricultural and forest product exported to Japan (including any person who subdivides and sells by himself the same as his business); being the same hereinafter) attaches the label of grading to the agricultural and forest product after subdivided or the packaging, container or invoice therefore under the provisions of Article 19-3-2.

2. Unless any organization of the Ministry of Agriculture, Forestry and Fisheries, Prefecture, Registered Grading Organization or Registered Foreign Grading Organization has carried out the grading under the provisions of Article 14, Paragraph 1 or Article 19-2-2, it must not attach the label of grading

to any agricultural and forest product or the packaging, container or invoice therefore.

3. Anyone must not attach any label confusing with the label of grading to any agricultural and forest product or the packaging, container or invoice therefore.

(Restriction on Re-using Packaging Materials, etc.)

Article 19 Any packaging material or container to which the label of grading has been attached must not be used again as a packaging material or container for any agricultural and forest product unless and until such label of grading has been removed or erased.

(Order for improvement, etc.)

Article 19-2 If the grading carried out by any Registered Grading Organization under the provisions of Article 14, Paragraph 1 (including the labelling of grading), the grading carried out by any Certified Manufacturer or Certified Production Process Manager under the provisions of Article 15, Paragraph 1 or 2 (including the labeling of grading carried out by any Certified Manufacturer or Certified Production Process Manager under the provisions of Paragraphs 1 to 3 of the said Article), the labelling of grading carried out by any Certified Subdivider under the provisions of Article 15-6, Paragraph 1 or the labelling of grading carried out by any Certified Importer under the provisions of Article 15-7, Paragraph 1 is judged to be inappropriate by the Minister of Agriculture, Forestry and Fisheries, he may order such Registered Grading Organization, Certified Manufacturer or Certified Production Process Manager, or Certified Subdivider or Certified Importer to improve the same or order him to remove or erase the label of grading within a certain time period therefore specified.

Section 5 Foreign Grading

(Grading by Registered Foreign Grading Organization)

Article 19-2-2 If any Registered Foreign Grading Organization has carried out in a foreign country the grading of any agricultural and forest product in accordance with the Japanese Agricultural Standard, it may attach the label of grading to such agricultural and forest product or the packaging, container or invoice therefore.

(Grading by Foreign Manufacturer, etc.)

Article 19-3 Any Foreign Manufacturer may, for any agricultural and forest product manufactured or processed by him, carry out the grading in accordance with the Japanese Agricultural Standard and attach the label of grading to such agricultural and forest product or the packaging, container or invoice therefore, as provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by obtaining in advance the certification of the Minister of Agriculture, Forestry and Fisheries, the Registered Certification Organization or the Registered Foreign Certification Organization as to the respective factory or place of business located in a foriegn country and respective category of the agricultural and forest product.

2. Any Foreign Production Process Manager may, for any agricultural and forest product covered by the certification concerned the production process of which is managed or controlled by him, carry out the grading in accordance with the Japanese Agricultural Standard and attach the label of grading (limited to that concerning the standard mentioned in Article 2, Paragraph 3, Item (2)) to such agricultural and forest product or the packaging, container or invoice therefore, as provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, by obtaining in advance the certification of the Minister of Agriculture, Forestry and Fisheries, the Registered Certification Organization or the Registered Foreign Certification Organization as to the respective field or place of business located in a foreign country and respective category of the agricultural and forest product.

(Labeling of Grading by Foreign Subdivider)

Article 19-3-2 Any foreign Subdivider may, for any agricultural and forest product covered by the certification concerned to which the label of grading has been attached, attach or the packaging, container or invoice therefore the same label of grading as has been attached to such agricultural and forest products before subdivided to such agricultural and forest products after subdivided or the packaging, container or invoice therefore as provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, the Registered Certification Organization or the Registered Foreign Certification Organization as to the respective place of business located in a foreign country and respective category of the agricultural and forest product.

(Prohibition of the Labeling of Grading)

Article 19-4 Any Registered Foreign Grading Organization, foreign manufacturer certified under Article 19-3, Paragraph 1 (hereinafter called the "Certified Foreign Manufacturer"), foreign production process manager certified under Paragraph 2 of the said Article (hereinafter called the "Certified Foreign Production Process Manager") or foreign subdivider certified under the preceding Article (hereinafter called

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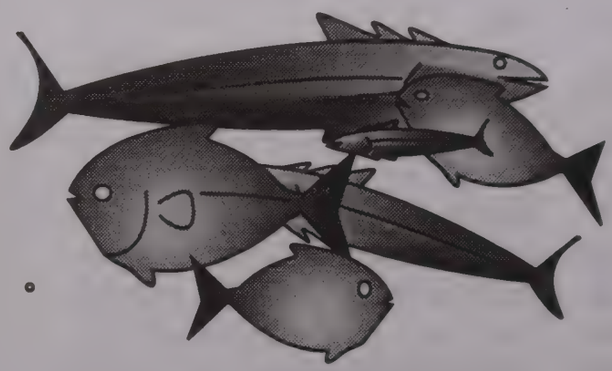

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the "Certified Foreign Subdivider") must not attach the label of grading or any label confusing therewith to any agricultural and forest product exported to Japan or the packaing, container or invoice therefore, except in the cases mentioned in Article 18, Paragraph 1, Items (5) to (7).

(Quote)

Article 19-5 The provisions of Article 14, Paragraphs 2 and 4 shall quote the grading under Article 19-2-2.

2. The provisions of Article 14, Paragraph 2 and Article 15, Paragraphs 3 to 5 shall quote the Certified Foreign Manufacturer or Certified Foreign Production Process Manager. In this case, "the preceding two Paragraphs" appearing in the said Article, Paragraph 3 shall be read "Article 19-3".

3. The provisions of Article 15, Paragraphs 6 to 8 shall quote the certification under Article 19-3 or Article 19-3-2. In this case, "Registered Certification Organization" appearing in the said Paragraph shall be read "Registered Certification Organization or Registered Foreign Certification Organization".

4. The provisions of Articles 15-2 to 15-4, Article 19 and Article 19-2 shall quote the Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider. In this case, "again" "agricultural and forest product" appearing in Article 19 shall be read "again" "agriultural and forest product exported to Japan"; "carried out by any Certified Manufacturer or Certified Production Process Manager" "under Article 15, Paragraph 1 or 2" appearing in Article 19-2 shall be read "carried out by any Certified Foreign Manufacturer or Certified Production Process Manager" "Article 19-3"; "carried out by Certified Manufacturer or Certified Production Process Manager" "the said Article, Paragraphs 1 to 3" appearing therein shall be read "carried out by any Certified Foreign Manufacturer or Certified Foreign Production Process Manager" "under Article 15, Paragraph 3 quoted in the said Article or Article 19-5, Paragraph 2"; "carried out by any Certified Subdivider" "under Article 15-6, Paragraph 1" appearing therein shall be read "carried out by any Foreign Subsidiver" "under Article 19-3-2" and "order" appearing therein shall be read "demand".

(Proclamation of Foreign Manufacturer, etc.)

Article 19-5-2 If the Minister of Agriculture, Forestry and Fisheries has carried out the certification under Article 19-3 or Article 19-3-2, has received the notification under Article 15-2, Paragraph 3 or Article 15-3 quoted in Paragraph 4 of the preceding Article or has received the report under the provisions of Article 17-7 quoted in Article 19-6-4, Paragraph 2, he must proclaim without delay the matters provided by a Ministerial Ordinance of the Ministry of Agriculture, Forestry and Fisheries, such as the personal name or name of the Foreign Manufacturer, Foreign Production Process Manager or Foreign Subdivider covered by such certification, notification or report.

(Cancellation of the Certification related to Foreign Manufacturer, etc.)

Article 19-6 The Minister of Agriculture, Forestry and Fisheries may cancel the certification under Article 19-3 or Article 19-3-2 in the following cases:

(1) If any Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider has violted the provisions of Article 18, Paragraph 1 or 3, Article 19 (including the cases where quoted in Article 19-5, Paragraph 4) or Article 19-4;

(2) If any Certified Foreign Manufacturer or Certified Foreign Production Process Manager has violated the provisions of Article 15, Paragraph 4 or 5 quoted in Article 19-5, Paragraph 2;

(3) If any Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider has become not conforming to the technical standard under Article 15, Paragraph 6 quoted in Article 19-5, Paragraph 3;

(4) If any Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider has not made the notification under Article 15-2, Paragraph 3 or Article 15-3 quoted in Article 19-5, Paragraph 4;

(5) If any Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider has not complied with the demand under Article 19-2 quoted in Article 19-5, Paragraph 4;

(6) If, in case where the Minister of Agriculture, Forestry and Fisheries demanded a necessary report from any Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider concerning its grading (including the labeling of grading, being the same hereinafter in this Paragraph) to the extent necessary for the enforcement of this Law, such report has not been made or any false report has been made;

(7) If, in case where the Minister of Agriculture, Forestry and Fisheries sought to have his staff inspect the status of grading or the agricultural and forest product exported to Japan, material thereof, books, documents or other physical articles at the factory, field, shop, office, place of business, warehouse or any other place of any Certified Foreign Manufacturer, Certified Foreign Production Process Manager or Certified Foreign Subdivider to the extent necessary for the enforcement of this Law, such inspection has been refused, impeded or challenged;

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Trading centre for the fish industry

The Bremen exhibition "fish international" has developed into one of the world's major trading centres for fish and seafood. It is a marketplace where suppliers can find buyers for a wide range of food and technology products created for the wholesale, retail, processing and catering sectors. Satisfied exhibitors and satisfied visitors are one of the fair's outstanding qualities. 83 per cent of the exhibitors from the 2000 event will be coming back to Bremen from 14 to 17 February 2002.

"For me, "fish international" is the first place I go to find fish suppliers from Northern and Eastern Europe", says Thomas Mattern, for example, a fresh fish expert from Metro wholesaling company in Hamburg. One of the biggest fish suppliers in Germany, Metro visited the fair in 2000 with over 50 executives. Of similar importance to Mattern: personal contact to the exhibitors, something else that he finds in Bremen. Whilst other fairs risk choking on their own sheer size, and exhibitors and visitors can no longer find their way to one another or have no more time for one another. Bremen has succeeded in maintaining a personal touch and a calm business atmosphere. The result: intensive professional dialogue and successful business.

Rolf Losch, the seafood buyer for Wal-Mart in Germany, will also be back in 2002: "it's where I can pick up current trends and innovative products for the German market", he says. "I can't get that kind of overview at any other fair." For Norbert Giesenbauer, the Managing Director of Austria's biggest wholesaling company for fish, Czerny & Nordsee, visiting "fish international 2002" is a must for anyone working in the industry, and particularly for wholesalers. "I will be coming to Bremen with our managerial staff", he announced. His aims at the fair: to find innovative products and logistics solutions and to meet colleagues and suppliers.

There are a lot of positive opinions to be heard on the exhibitors' side, too.

15,000 decision makers from 71 countries regularly come to fish international *in Bremen to do business*

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fish international *is the first place to go to find fish suppliers from Northern and Eastern Europe*

"Our impression is that the fair is becoming increasingly international and, on top of that, it's the only fair which concentrates on addressing the German seafood market", says Heino Steinmann, the Managing Director at Morubel Deutschland, one of the leading shrimp suppliers in the market. At "fish international 2000" the company presented itself for the first time as a member of the Heiploeg Shellfish International (HIS) group and was immediately able to make initial contacts with one of the major German retail companies and an Austrian multiple.

Hussmann & Hahn, Germany's biggest fresh fish processor, is again expecting a lot of benefits from the fair. "fish international will mark the opening phase of a campaign to present some changes and major extensions to our product range", revealed Ralf Forner, H&H's divisional director for fresh fish. "We'll be presenting ourselves to the major target groups in the fresh fish, self-service fish, smoked fish and self-service smoked fish sectors." Altogether, the fair organizers are expecting about 500 exhibitors in the four exhibition sections Trading Market, Technology, Logistics and Point of Sale.

Fish processing with robots

Fish processing with robots? A dream that is soon to become reality. The new technology will be presented at the trade fair "fish international" in Bremen from 14 to 17 February 2002. Within an area of several hundred square metres in the Technology section the importer K-Robotix and Team-Partner-Verbund will be demonstrating how robots can be used for processing and packaging fish. The technical developments involved come from Kawasaki and Toshiba. "This heralds a change in processing technology the like of which we have rarely seen up to now in the fish industry", says Peter Koch-Bodes, the Managing Director of fair organizer MGH in Bremen. The various possible application fields should be of great interest to the fish processing industry.

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MPEDA announces subsidy for various schemes

Sl.	Name of the scheme	Objective	Rate of assistance
1.	Subsidy for automatic flake/chip tube ice making machine	To assist seafood processors to install machines for production of quality ice required for in-plant use.	25% of the cost of the machine subject to a maximum of Rs. 2.00 lakh
2.	Subsidy for generator sets	To assist the seafood processing units to have captive power as a stand by arrangement	25% of the cost of generator set or Rs. 2.50 lakh whichever is less
3.	Subsidy for upgrading deficient cold storage	To enable seafood processors to upgrade their storage so as to maintain optimum temperature	25% for improving insulation and 25% for upgrading the existing diffusers, subject to a maximum of Rs. 3,50,000/- (eligible for existing units)
4.	Subsidy for acquisition of all processing machinery and equipments for production of value added marine products	To assist seafood processors to acquire machinery & equipments for production of value added marine products	25% of the cost of machinery & equipment, subject to a maximum of Rs. 15.00 lakh
5.	Subsidized distribution of insulated fish boxes	For proper preservation of raw materials in iced condition on board fishing vessel, in shrimp farms, peeling sheds and processing plants	Moulded synthetic insulated fish boxes of various capacity are distributed at 50% subsidy/maximum limit.
6.	Interest subsidy assistance for seafood units to facilitate upgradation	To subsidize a part of the interest payable by the plant owners to their bank/financial institutions for the loans availed by them for modernization of their plant to achieve conformity to EU standards	The subsidy eligibility will be restricted to a maximum of 7% of the interest charged by the bank/financial institutions over and above the international interest 7% or actual rate of interest over land above the international interest i.e. 7% whichever is less.
7.	Assistance for establishment of Chill Room facility in seafood processing plants	To assist seafood processors to set up Chill Rom facilities in their processing plants for preserving the quality of the raw material at proper temperature starting from harvest till processing	25% of the cost of establishment of Chill Room facility subject to a maximum of Rs. 3.00 lakh per chill room and the assistance would be available for a maximum of 2 Chill Rooms in a processing unit.
8.	Assistance for installation of Water Purification System in seafood processing plants	To assist seafood processors to establish suitable Water Purification System in their processing plants for achieving equivalency to EU norms with regard to water quality	25% of the cost of installation Water Purification System subject to a maximum of Rs. 2.50 lakh per unit
9.	Assistance for setting up of Effluent Treatment Plants in seafood processing plants	To encourage seafood processors to provide effective Effluent Treatment Plant in their processing units for achieving equivalency to EU norms	25% of the cost of setting up of Effluent Treatment Plant subject to a maximum of Rs. 7.00 lakh per unit
10.	Financial support for acquisition of Refrigerated Truck/ Containers	To encourage seafood processors to acquire Refrigerated Trucks/Containers for transportation of raw material/finished products	25% of the cost of Refrigerated Truck/Container, subject to a maximum of Rs. 3.50 lakh
11.	Subsidy for setting up Mini Laboratory	For effective implementation of inprocess quality control	50% of the cost of mini laboratory subject to a maximum of Rs. 50,000 per unit
12.	Assistance to seafood processors to establish captive pre-processing plants with upgraded facilities.	To bring the pre-processing activities under the control of processors and upgrade the facilities on par with HACCP/EU Regulations	50% subject to a maximum of Rs. 15 lakhs for new construction of pre-processing plants, which is also linked with capacity of workers that can be employed. In the case of renovation, the subsidy is 90% of the cost of new construction i.e. subsidy on par with new units subject to reduction of a flat 10%.

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Scope for women entrepreneurs in seafood processing and trading

Dr. J. Stephen Sampath Kumar, Dr. K. Rathnakumar and Dr. V. Sundararaj*

India is blessed with abundant natural resources including potential water resources for food production. Efficient and suitable planning by policy makers has resulted in the selfsufficiency in food production. The domestic food requirement is largely met by agricultural production and animal based food items are taken only by lesser proportion of the population. Sizable portions of meat and meat products and fish and fishery products have been exported by India to various developed countries.

Indian fish production during 1999-2000 was recorded at 5.38 million metric tonnes. Among this, marine fish production was 2.95 million metric tonnes and inland fish production/fish production through aquaculture was 2.43 million metric tonnes. It is also observed that about 50% of Indian population consume fish and around 57% of total domestic fish demand is met only by the fish from inland sources.

The status

Marine products are important group of agricultural commodities exported from India. India earned a foreign exchange to the tune of about Rs.5, 000 crores (Rs. 5,096 crores) through the export of fish and fishery products during 1999-2000 and it was 4% of the total foreign exchange earnings in the country. The increase in the export was 12.24% in volume and 10.13% in value over that of last year. However, the unit value has declined from Rs.156.70 to Rs. 151.68, which was mainly due to the low price for shrimps in Japan. The quantity of marine products exported during the above mentioned period was 3.40 lakhs metric tomes.

Japan continues to be the top buyer of Indian seafood, which accounts for 44%. USA imported about 15% of the Indian seafood and the European Union and south east Asia including China had taken each 18% of the Indian seafood. Middle East countries also imported a substantial quantity of fish from India,

Indian seafood export is largely supported by freezing industries. About 450 seafood processing/freezing industries are present in the country. (As per MPEDA the registered processing plants in India are 402 during 1999-2000). There are about 70 European Union (EU) approved seafood processing plants in India. Less than 50% of installed freezing capacity alone is presently utilized throughout the country for want of raw materials.

The Commodities

There are about 100 items in the export list of marine products from India. The most important items in terms of value are frozen shrimps, frozen fish, frozen squid, frozen cuttlefish and frozen lobster. The other products are dried fish, shark fins, fish maws (isinglass), frozen crabmeat, beche-de-mer, ornamental fish, etc. Frozen shrimp was the major item of Indian export during the last financial year, contributing to 71% in value of total export. Frozen finfish was the second major item of export (10%). Frozen fish had a rise of 7.6%, cuttle fish 4%, surimi 80% and crab 64%.

The proportion of marine products including shrimps and other shellfishes contributed to the tune of about 7.5% in the total landings. About 20.5% of fresh/frozen fish of the Indian marine fish production was exported revealing that one fifth of total landings was exported. Freshwater carps (Catla and Rohu) were also exported to United Kingdom. The export of ribbon fish, reef cod, red snapper, white snapper and mackerel resulted in the increase of exports.

The shrimps that are exported include tiger (Penaeus monodon), white (P. indicus), green tiger (Psemisulcarus), flower (Mefapenaeus dobsoni), karikadi (Parapenaeopsis stylifera) and brown (M. affinis). They are processed in the form of whole, headless (IIL), peeled and undeveined (PUD), peeled and deveined (PD), cooked and peeled (CP) and breaded and battered. Freshwater prawns (Macrobrachium rosenbergii and M.malcomsonii) are also exported in the name of Scampi.

Squids (Loligo spp.) are exported in the form of whole, tubes, tentacles, wings and fillets. Similarly, the cuttlefish (Sepia sp) is exported in the form of whole, fillets, tentacles and wings. Lobsters such as Panulirus sp (Rock lobster) and Thenus sp. (Sand lobster) are exported in the form of whole cooked and tail. Crabs (Portunus spp. and Scylla spp.) are exported in the form of cut crab and crab meat. Finfish are exported in the form of whole, dressed

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fillets, steaks, minced meat and surimi. Besides frozen form, fish are also exported in chilled forms, live forms and dried forms. The dried fish include spratts (dried anchovies, Stolephorus spp.) masimin (smoked tuna, Yellow fin, Skip jack, Blue fin, etc.), dry salted seer fish, salted and dried ribbon fish.

The prospects

The declining marine fish catches and closure or slowing down of culture shrimp production have caused significant reduction in export. It is believed that shortage in capture fish production can be compensated by stepping up production through culture. The potential freshwater resources have been estimated to be 5.7 million ha. which could yield about 10 million tonnes of fishes at the rate of 2 tonnes per ha production (@ Ikg per 5 sq.m). Keeping in mind the developments in freshwater prawn farming, the export of Scampi can come up well in the years to come. The current production of 1000 tonnes per annum can be enhanced upto 5000 tonnes soon. This higher production would largely help in exporting freshwater products also to many countries.

The potential for the export of various by-products is also existing in the country. Due to processing, about 40% of the purchased raw materials are discarded as waste, from which many by-products can be manufactured. Fish meal, fish manure, fish ensilage, fish body oil, fish liver oil, fish solubles, fish protein concentrate, shark fins, fin rays, fish maws/isinglass, insulin, fish glue, pearl essence, squalene, agar agar, alginic acid, beche-de-mer, chitin and chitosan are produced from fish wastes and other marine non-edible resources.

Export promotion

National Fisheries Institutes and Fisheries Colleges in the country have a greater role in Research and Development (R&D) in this sector. The Marine Products Export Development Authority (MPEDA), is involved in the trade promotion. The Export Inspection Agency (EIA) is involved in the quality certification of aquafoods meant for export. The Bureau of Indian Standards (BIS) is also responsible for bringing out various quality standards for fish and fishery products. Fisheries Colleges under State Agricultural Universities (SAUs) provide technical manpower for the production and marketing of fish and fishery products in the domestic as well as export market. The helping hand of many nationalised financial institutions like banks help in the promotion of export of these commodities.

Scope for women entrepreneurs

The unutilized fishery resources of low value can be conveniently converted into value added, ready to eat/ cook fishery products. These products include fish/prawn pickle, fish soup powder, fish wafer, fish cutlet, masala flavoured dried fish, masmin some varieties of fishes such as Leognathus, Carangids, Baracuda, Threadfin Bream, Upeneus, White bait, Sardines which are available in plenty during season can be made use for the preparation of above products. The spicy food habits of the people in south east Asian countries demand pickle like items. Therefore, there is an enormous scope for export of fish/prawn pickles.

Hygienically prepared product with consistent quality has good internal and export market. Fish pickles when packed in laminated pouches can reach larger section of the people. This has good reception. Apart from single products, other products like fish wafer, fish soup powder in multifilm polybag is readily acceptable in the market. A women entrepreneur or any self help group can easily manage the production and marketing of these products. In case of fish cutlet any individual in their home, during their leisure time (10.00 am - 3.00pm) can easily prepare. A minimum investment will be Rs.200/ - for an individual in their house and a sum ofRs.40/day as profit in assured.

In the present day, masala flavoured dry fish has very good market potential. The basic reason is hygienically prepared quality dry fishes are not very commonly available in the market. Pschycologically people of high social structure do not like dry fish due to its improper conditions. When it is prepared hygienically using good quality fish and packed in flavour barrier pack with attractive colours, this can move well in the internal and external market. This involves lot of space requirement and labour force. Any self help group (SHG) or enterprising entrepreneur can take up this project, which has ready market potential.

Tuna fishery is abundant in off-Kerala and off-Andaman coast. Tunas are mainly used for the production of Masmin (smoked fish). Masmin fetch ready acceptance in export trade. Large quantities of masmin are being imported by Srilanka and other south east asian countries from India. An individual can produce 5kg of masmin per day. In a group they can produce 30-40kg per day. Depending on the availability of fish this value can be increased to many fold, thereby giving employment opportunities to women sector of that region. This product has ready acceptance in internal and export market.

Apart from the value-added products, fishery by products like chitin (using prawn shell waste) fish sauce, fish meal, Beech-de-mer, shark fin rays can be taken up as a small industry. Except fish meal, all other items are having good export potential.

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Guidelines for the design, operation, assessment and accreditation for food export and import

Section - 1 Objectives

1. These guidelines provide a framework for the development of import and export inspection and certification systems consistent with the Principles for Food Import and Export Inspection and Certification[1]. They are intended to assist countries[2] in the application of requirements and the determination of equivalency, thereby protecting consumers and facilitating trade in foodstuffs.[3]

2. The document deals with the recognition of equivalence of inspection and/or certification systems and not with standards related to specific food products or their components (e.g., food hygiene, additives and contaminants, labelling and quality requirements).

3. Application by government of the guidelines presented in this document should help build and maintain the necessary confidence in the inspection and certification system of an exporting country and facilitate fair trade, taking account of the expectations of consumers for an appropriate level of protection.

Section 2 - Definitions

Audit is a systematic and functionally independent examination to determine whether activities and related results comply with planned objectives.4

Certification is the procedure by which official certification bodies and officially recognised bodies provide written or equivalent assurance that foods or food control systems conform to requirements. Certification of food may be, as appropriate, based on a range of inspection activities which may include continuous on-line inspection, auditing of quality assurance systems, and examination of finished products.4

Equivalence is the capability of different inspection and certification systems to meet the same objectives.

Inspection is the examination of food or systems for control of food, raw materials, processing and distribution, including in-process and finished product testing, in order to verify that they conform to requirements.4

Inspection is the examination of food or systems for control of food, raw materials, processing and distribution, including in-process and finished product testing, in order to verify that they conform to requirements.

Official accreditation is the procedure by which a government agency having jurisdiction formally recognizes the competence of an inspection and/or certification body to provide inspection and certification services.

Official inspection systems and official certification systems are systems administered by a government agency having jurisdiction empowered to perform a regulatory or enforcement function or both.4

Officially recognised inspection systems and officially recognised certification systems are systems which have been formally approved or recognised by a government agency having jurisdiction.4

Requirements are the criteria set down by the competent authorities relating to trade in foodstuffs covering the protection of public health, the protection of consumers and conditions of fair trading.4

Risk analysis is a process consisting of three components: risk assessment, risk management and risk communication.5

Risk assessment is a scientifically based process consisting of the following steps: (i) hazard identification, (ii) hazard characterization, (iii) exposure assessment and (iv) risk characterization.5

Risk management is the process of weighing policy alternatives in the light of the results of risk assessment and, if required, selecting and implementing appropriate control options, including regulatory measures.5

Risk communication is the interactive exchange of information and opinions concerning risk among risk assessors, risk managers, consumers and other interested parties.5

Section 3 - Risk Analysis

4. Consistent and transparent application of risk analysis will facilitate international trade by increasing confi-

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Executive Director
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dence in the food safety and in the inspection systems of trading partners. It will also enable inspection resources to be targeted effectively on hazards to public health arising at any stage of the food production and distribution chain.

5. The principles of Hazard Analysis Critical Control Point (HACCP) developed by the Codex Committee on Food Hygiene6 provide a systematic basis for the identification and control of hazards so as to ensure the safety of food. The use of a HACCP approach by food business should be recognised by governments as a fundamental tool for improving the safety of foodstuffs.

Section 4 - Quality Assurance

6. The voluntary utilization of quality assurance by food businesses should also be encouraged in order to achieve greater confidence in the quality of products obtained. If safety and/or quality assurance tools are used by food business, the official inspection and certification systems should take them into account in particular through the adaptation of their control methodologies.

7. Governments do, however, retain the fundamental responsibility to ensure by official inspection and certification7 the conformity of foodstuffs to requirements.

8. The degree to which industry effectively utilizes quality assurance procedures can influence the methods and procedures by which government services verify that requirements have been met, where official authorities consider such procedures to be relevant to their requirements.

Section 5 - Equivalence

9. The recognition of equivalence of inspection and certification should be facilitated where it can be objectively demonstrated that there is an appropriate system for inspection and certification of food by the exporting country in accordance with these guidelines.

10. For the determination of equivalence, governments should recognize that:

* inspection and certification systems should be organized for the risk involved, considering that the same food commodities produced in different countries may present different hazards; and,
* control methodologies can be different but achieve equivalent results. For example, environmental sampling and the strict application of good agricultural practices, with limited end product testing for verification purposes, may produce a result equivalent to extensive and product testing for the control of agriculture chemical residues in raw products.

The exporting country should provide access to enable the inspection and certification systems to be examined and evaluated, on request of the food control authorities of the importing country.

11. Controls on imported food and domestically produced foods should be designed to achieve the same level of protection. The importing country should avoid the unnecessary repetition of controls where these have been already validly carried out by the exporting country. In these cases a level of control equivalent to domestic controls should have been achieved at the stages prior to import.

12. The exporting country should provide access to enable the inspection and certification systems to be examined and evaluated, on request of the food control authorities of the importing country. Evaluations of inspection and certification systems carried out by the authorities of an importing country should take into account internal programme evaluations already carried out by the competent authority or evaluations performed by independent third-party bodies recognised by the competent authority in the exporting country.

13. Evaluations of inspection and certification systems by an importing country for purposes of establishing equivalence should take account of all relevant information held by the competent authority of the exporting country.

Equivalent agreements

14. The application of equivalence principles may be in the form of agreements or letters of understanding established between governments either for inspection and/or certification of production areas, sectors or parts of sectors. Equivalence may also be established through the administration of a comprehensive agreement which would cover inspection and certification of all food commodity forms traded between two or more countries.

15. Agreements on the recognition of equivalence of inspection and certification systems may include provisions concerning:

* the legislative framework, control programmes and administrative procedures;
* contact points in inspection and certification services;
* demonstration by the exporting country of the effectiveness and adequacy of its enforcement and control programmes, including laboratories;
* where relevant, lists of products or establishments subject to certification or approval, accredited facilities and accredited bodies;
* mechanisms supporting continued

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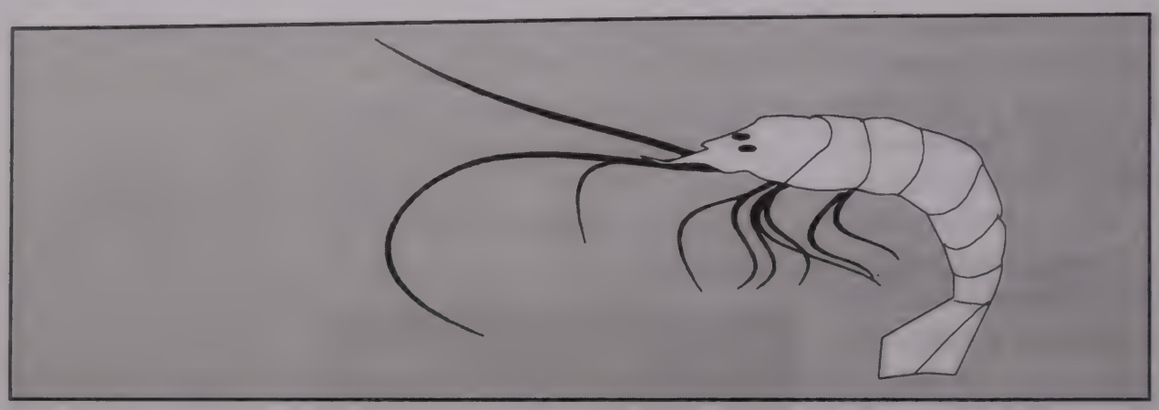

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recognition of equivalence, e.g., exchange of information on hazards and monitoring and surveillance.

16. Agreements should include mechanisms to provide for periodic review and updating and include procedural mechanisms for resolving differences arising within the framework of the agreement.

Section 6 - Inspection and Certification System Infrastructure

17. Countries should identify the main objectives to be addressed through import and export inspection and certification systems.

18. Countries should have in place the legislative framework, controls, procedures, facilities, equipment, laboratories, transportation, communications, personnel and training to support the objectives of the inspection and certification programme.

19. Where different authorities in the same country have jurisdiction over different parts of the food chain, conflicting requirements must be avoided to prevent legal and commercial problems and obstacles to trade. For example, while provincial or state laws may exist there should be a competent authority at the national level capable of ensuring uniform application. However, an importing country authority may recognize a sub-national competent authority for purposes of inspection or certification where this arrangement is acceptable to the national authorities concerned.

Legislative Framework

20. For the purpose of this section, legislation includes acts, regulations, requirements or procedures, issued by public authorities, related to foodstuffs and covering the protection of public health, the protection of consumers and conditions of fair trading.

21. The effectiveness of controls related to foodstuffs depends on the quality and completeness of legislation for foods. Legislation should provide authority to carry out controls at all stages of production, manufacture, importation, processing, storage, transportation, distribution and trade.

22. Legislation may also include provisions as appropriate for the registration of establishments or listing of certified processing plants, establishment approval, licensing or registration of traders, equipment design approval, penalties in the event of non-compliance, coding requirements and charging of fees.

23. The national competent authority in the exporting or importing country should have the ability to enforce and take action based on adequate legislation. It should take all necessary steps to insure the integrity, impartiality and independence of official inspection systems and officially recognised inspection systems and to ensure that the inspection programme contained in national legislation is delivered to a prescribed standard.

Inspection services should draw up control programmes based on precise objectives and appropriate risk analysis. In the absence of detailed scientific research control programmes should be based on requirements developed from current knowledge and practice.

Control programmes and operations

24. Control programmes help to ensure that inspection actions relate to objectives, since the results of these programmes can be assessed against the objectives set for the inspection and certification system. Inspection services should draw up control programmes based on precise objectives and appropriate risk analysis. In the absence of detailed scientific research control programmes should be based on requirements developed from current knowledge and practice. Every effort should be made to apply risk analysis based on internationally accepted methodology, where available.

25. In particular, countries should require or encourage the use of a HACCP approach by food establishments. Official inspectors should be trained in the assessment of the application of HACCP principles. Where programmes include the drawing and analysis of samples, adequate sampling and appropriately validated analytical methods should be established to ensure that the results are representative and reliable in relation to the specific objectives.

26. The elements of a control programme should include, as appropriate:

* inspection;
* sampling and analysis;
* checks on hygiene, including personal cleanliness and clothing;
* examination of written and other records;
* examination of the results of any verification systems operated by the establishment;
* audit of establishments by the national competent authority;
* national audit and verification of the control programme.

27. Administrative procedures should be in place to ensure that controls by the inspection system are carried out:

* regularly in proportion to risk;
* where non-compliance is suspected;
* in a coordinated manner between different authorities, if several exist.

28. Controls should cover, as appropriate:

* establishments, installations, means of transport, equipment and mate-

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rial;
* raw materials, ingredients, technological aids and other products used for the preparation and production of foodstuffs;
* semi-finished and finished products;
* materials and objects intended to come into contact with foodstuffs;
* cleaning and maintenance products and processes, and pesticides;
* processes used for the manufacture or processing of foodstuffs;
* the application and integrity of health, grading and certification marks;
* preserving methods;
* labelling integrity and claims.

29. The elements of the control programme should be formally documented including methods and techniques.

Decision criteria and action

30. The controls programme should be targeted at the most appropriate stages and operations, depending on the specific objectives. Control procedures should not compromise the quality or safety of foods, particularly in the case of perishable products.

31. The frequency and intensity of controls by inspection systems should be designed so as to take account of risk and the reliability of controls already carried out by those handling the products including producers, manufacturers, importers, exporters and distribution.

32. Physical checks applying to import should be based on risks associated with the importation. Countries should avoid systematic physical checks on import except in justified cases such as products associated with a high level of risk; a suspicion of non-conformity for a particular product, or a history of non-conformity for the product, processor, importer or country.

33. When physical checks are to be undertaken, sampling plans for imported products should take into account the level of risk, the presentation and type of commodity to be sampled, the reliability of controls of the exporting country and of those responsible for handling the product in the importing country.

34. Where an imported product is found not to be in conformity, the resulting measures should take into account the following criteria to ensure that any action is proportionate to the degree of public health risk, potential fraud or deception of consumers:
* repeated non-conformity in the same product or in the same category of products;
* history of non-conformity of those responsible for handling the products;

The frequency and intensity of controls by inspection systems should be designed so as to take account of risk and the reliability of controls already carried out by those handling the products including producers, manufacturers, importers, exporters and distribution.

* reliability of checks made by the country of origin.

35. The specific measures applied may be cumulative if necessary and may include:

In respect of the product not in conformity—
* requirement for the importer to restore conformity (e.g. where problems relate to labelling for consumer information and have no effect on inspection or health);
* rejection of consignments or lots, in whole or in part;
* in the case of potentially serious health risk, destruction of the product;

In respect of future imports-
* control programmes implemented by the importer or exporter to ensure problems do not re-occur;
* increased intensity of checks on categories of products identified as being not in conformity and/or the undertakings concerned;
* request for information and cooperation on the product or the category of products found not to be in conformity by the responsible authorities in the country of origin (increased checks at origin including controls as indicated in paragraphs 27-28);
* on-site visits;
* in the most serious or persistent case, imports from establishments or countries may be suspended.

36. Where possible, and upon request, the importer or their representative should be given access by the relevant food control authority of the importing country to a rejected or detained consignment and in the latter case, the opportunity to contribute any relevant information to assist the control authorities of the importing country to make their final decision.

37. Where product is rejected, information should be exchanged in accordance with the Codex Guidelines for the Exchange of Information between Countries on Rejections of Imported Food8.

Facilities, equipment, transportation and communications

38. Inspection staff should have access to adequate facilities and equipment to undertake inspection procedures and methodologies.

39. Reliable transportation and communication systems are essential to ensure delivery of inspection and certification services when and where they are needed and for the transmission of

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samples to laboratories.

40. Communications facilities should be provided to ensure adequate compliance action and to address potential recalls. Consideration should be given to developing electronic information exchange systems, in particular to facilitate trade, protect consumer health, and to combat fraud.

Laboratories

41. Inspection services should utilize laboratories that are evaluated and/or accredited under officially recognised programmes to ensure that adequate quality controls are in place to provide for the reliability of test results. Validated analytical methods should be used wherever available.

42. Inspection systems' laboratories should apply the principles of internationally accepted quality assurance techniques to ensure the reliability of analytical results9.

Personnel

43. Official inspection service should have, or have access to, a sufficient number of qualified personnel as appropriate in areas such as: food science and technology, chemistry, biochemistry, microbiology, veterinary science, human medicine, epidemiology, agronomic engineering, quality assurance, audit and law. Personnel should be capable and appropriately trained in the operation of food inspection and control systems. They should have a status which ensures their impartiality and have no direct commercial interest in the products or establishments being inspected or certified.

Section 7 - Certification Systems

44. An effective certification system depends on the existence of an effective inspection system as described above in Section 6.

45. Demand for certification should be justified by risk to health or risk of fraud or deception. Alternatives to certification should be considered wherever possible, in particular where the inspection system and requirements of an exporting country are assessed as being equivalent to those of the importing country. Bilateral or multilateral agreements, such as mutual recognition agreements or pre-certification agreements, may provide for dispensing with certification and/or the issuance of certificates which were previously required in certain cases.

46. Certification should provide assurance of the conformity of a product or batch of products, or that a food inspection system conforms to specified requirements, and will be based, as appropriate, on :

Official inspection service should have, or have access to, a sufficient number of qualified personnel as appropriate in areas such as: food science and technology, chemistry, biochemistry, microbiology, veterinary science, human medicine, epidemiology, agronomic engineering, quality assurance, audit and law.

* regular checks by the inspection service;
* analytical results;
* evaluation of quality assurance procedures linked to compliance with specified requirements;
* any inspections specifically required for the issuance of a certificate.

47. Competent authorities should take all necessary steps to ensure the integrity, impartiality and independence of official certification systems and officially-recognised certification systems. They should ensure that personnel empowered to validate certificates are appropriately trained and fully aware, if necessary from notes of guidance, of the significance of the contents of each certificate which they complete.

48. Certification procedures should include procedures to ensure the authenticity and validity of certificates at all the relevant stages and to prevent fraudulent certification. In particular, personnel:

* should not certify matters without their personal knowledge or which cannot be ascertained by them;
* should not sign blank or incomplete certificates, or certificates for products which have not been produced under appropriate control programmes. Where a certificate is signed on the basis of another supporting document, the person signing the certificate should be in possession of that document;
* should have no direct commercial interest in the products being certified.

Section 8 - Official Accreditation

49. Countries may officially accredit inspection or certification bodies to provide services on behalf of official agencies.

50. To be officially accredited, an inspection or certification body must be assessed against objective criteria and must comply at least with the standards set out in these guidelines, particularly in relation to the competence, independence and impartiality of personnel.

51. The performance of officially accredited inspection or certification bodies should be regularly assessed by the competent authority. Procedures should be initiated to correct deficien-

cies and, as appropriate, enable withdrawal of official accreditation.

Section 9 - Assessment and verification of inspection and certification systems

52. A national system should be subject to audit separate from routine inspection. Inspection and certification services should be encouraged to carry out self-evaluation or have their effectiveness evaluated by third parties.

53. Self-assessment or third-party audits should be carried out periodically at various levels of the inspection and certification system, using internationally-recognised assessment and verification procedures. The inspection services of a country may undertake self-assessment for such purposes as assuring the adequacy of consumer protection and other matters of national interest, improving internal efficiency or facilitating exports.

54. A prospective importing country may undertake a review with the agreement of the exporting country of the inspection and certification systems of an exporting country as part of its risk analysis process, with a view to determining requirements for imports from that country. Periodic assessment, reviews may be appropriate following the commencement of trade.

55. For the purpose of assisting an exporting country to demonstrate that its inspection or certification systems is equivalent, the importing country should make readily available adequate information on its system and its performance.

56. Exporting countries should be able to demonstrate adequate resources, functional capabilities and legislative support in addition to effective administration, independence in the exercise of their official function and, where relevant, performance history.

57. Guidelines on procedures for conducting an assessment and verification of the systems of an exporting country by an importing country are in the Annex.

Section 10 - Transparency

58. Consistent with the principles on transparency contained in the Principles for Food Import and Export Inspection and Certification1, and in order to promote consumer confidence in the safety and quality of their food, governments should ensure that the operations of their inspection and certification systems are as transparent as possible, while respecting any legitimate constraints of professional and commercial confidentiality and avoiding the creation of new barriers to trade by giving a misleading impression of the quality or safety of imported products in comparison with domestic products.

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1. CAC/GL 20-1995

2. For the purpose of these guidelines, "countries" includes regional economic integration organizations to which a group of countries have transferred competences as regards food import and export inspection and certification systems and/or the negotiation of equivalency agreements with other countries.

3. The Principles for Food Import and Export Inspection and Certification includes that in the design and application of food inspection and certification systems, importing countries should take into account the capabilities of developing countries to provide the necessary safeguards (Paragraph 18).

4. Consistent with the Principles for Food Import and Export Inspection and Certification (CAC/GL 20-1995).

5. Codex Alimentarius Procedural Manual, Tenth Edition, 1997

6. Hazard Analysis and Critical Control Point System and Guidelines for its Application, Annex to the Recommended International Code of Practice - General Principles of Food Hygiene (CAC/RCP 1-1969, Rev. 3, 1997).

7. For the purpose of these guidelines, "inspection and certification" means "inspection and/or certification"

8. CAC/GL 25-1997

9. Guidelines for the Assessment of the Competence of Testing Laboratories Involved in the Import and Export Control of Foods (CAC/GL 27-1997).

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Q. Why is NFI asking the FDA to approve irradiation for clams, oysters and mussels?

A. Vibrio bacteria are normal inhabitants of estuarine areas, and are most often not harmful to consumers. However, some species and strains can cause illness when present in sufficient number. These naturally-occurring bacteria can be particularly troublesome to high-risk individuals.

Q. Who is considered "high-risk"?

A. Individuals with HIV/AIDS, chronic liver disease, such as hemachromatosis or cirrhosis, diabetes mellitus, who have had gastric surgery or are undergoing chemotherapy for cancer, or otherwise have a compromised immune system, are at higher risk for Vibrio-related illness, especially when they consume raw molluscan shellfish.

Q. Aren't there already systems in place to safeguard these types of shellfish?

A. Irradiation would augment existing rigid shellfish sanitation control programs. Molluscan shellfish are currently subject to an extensive inspection system, called the National Shellfish Sanitation Program (NSSP). The NSSP, enforced by state health agencies under the guidance of FDA, specifies microbiological criteria for water quality and shellfish meats, temperature criteria for transporting, processing and storing shellfish, and requires harvesters and dealers to be licensed and certified. In addition, shellfish is produced under the FDA mandatory HACCP inspection program that requires processors to identify and control significant food safety hazards in their HACCP plans.

Q. How will irradiation make molluscan shellfish safer?

A. The petition submitted by NFI requests permission to use ionizing radiation at a dosage range of 0.5kGy to 7.5kGy to eliminate Vibrio bacteria and reduce the level of other pathogens, such as Salmonella and Listeria, that may be present. While all consumers would benefit from the added assurance irradiation would bring, high-risk consumers, in particular, would have a broader variety of seafood from which to choose.

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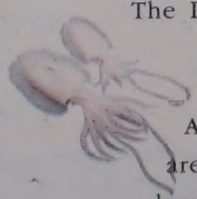

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